

day the Senate sits as a Court of Impeachment, it be in order for Senators to submit to the desk statements and introduce legislation.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

Mr. LOTT. Now, Mr. Chief Justice, I believe at this point it would be in order for a motion to be made that we go into open debate, if any, and then when that is dispensed with, we would go to the move to close and would deal with that issue, and then we would begin the closed session. And so I believe we are ready for a motion to be offered, if any, at this time.

The CHIEF JUSTICE. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

MOTION TO SUSPEND THE RULES

Mr. HARKIN. Mr. Chief Justice, in accordance with rule V of the Senate's Standing Rules, I filed a motion of intent to move to suspend the rules to open debate on this motion to subpoena witnesses. The motion is at the desk. It is No. 5, I believe.

The CHIEF JUSTICE. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Iowa, Mr. HARKIN, for himself and Mr. WELLSTONE, moves to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion to subpoena witnesses during the trial of President William Jefferson Clinton.

(1) The phrase "without debate" in rule VII.

(2) The following portion of rule XX: " , unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate and by yeas and nays, which shall be entered on the record"; and

(3) In rule XXIV, the phrases, "without debate except when the doors shall be closed for deliberation in that case" and " , to be had without debate."

Mr. HARKIN addressed the Chair.

The CHIEF JUSTICE. The Senator from Iowa.

Mr. HARKIN. I ask for the yeas and nays.

The CHIEF JUSTICE. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Maryland (Ms. MIKULSKI) is absent due to illness.

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 3]

[Subject Harkin motion to suspend the rules]

YEAS—41

Akaka	Cleland	Edwards
Bayh	Collins	Feingold
Biden	Conrad	Feinstein
Bingaman	Daschle	Graham
Boxer	Dodd	Harkin
Breaux	Dorgan	Hollings
Bryan	Durbin	Hutchinson

Inouye
Johnson
Kennedy
Kerrey
Kohl
Lautenberg
Leahy

Levin
Lieberman
Moynihan
Murray
Reed
Reid
Robb

Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—58

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald

Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Jeffords
Kerry
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McCain

McConnell
Murkowski
Nickles
Nickles
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Mikulski

The CHIEF JUSTICE. On this vote the yeas are 41, the nays are 58. Two-thirds of those Senators voting, a quorum being present, not having voted in the affirmative, the motion is not agreed to.

The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, that motion being defeated, I believe it is now in order to move to close the session so we can have debate on the question of the motion to subpoena witnesses.

The CHIEF JUSTICE. The majority leader is correct.

Mr. LOTT. I so move, Mr. Chief Justice.

The CHIEF JUSTICE. The question is on the motion.

The motion was agreed to.

The CHIEF JUSTICE. The motion carries.

Mr. LOTT. Mr. Chief Justice, I would like to ask that Senators remain at their place, but I will put in a request for a quorum just momentarily so the appropriate arrangements can be made for the closed session.

Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CLOSED SESSION

(At 4:29 p.m., the quorum was dispensed with and the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 8:01 p.m., at which time the following occurred:)

OPEN SESSION

(At 8:01 p.m., the doors of the Chamber were opened and the Senate resumed proceedings in open session.)

Mr. LOTT. Mr. Chief Justice, I now ask unanimous consent that the Senate return to open session.

The CHIEF JUSTICE. In the absence of an objection, it is so ordered.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate stand in adjournment as under the previous order.

There being no objection, at 8:02 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Wednesday, January 27, 1999, at 1 p.m.

(Under a previous order, the following material was submitted at the desk during today's session.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 307. A bill to amend title XVIII of the Social Security Act to eliminate the budget neutrality adjustment factor used in calculating the blended capitation rate for Medicare + Choice organizations; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. LEVIN, Mr. MCCAIN, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. CLELAND):

S. 308. A bill to amend the Internal Revenue Code of 1986 to provide a 2-month extension for the due date for filing a tax return for any member of a uniformed service on a tour of duty outside the United States for a period which includes the normal due date for such a filing; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. THURMOND):

S. 309. A bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence; to the Committee on Finance.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 310. A bill provide for a Dekalb-Peachtree Airport buyout initiative; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself, Mr. COVERDELL, Mr. CLELAND, and Mr. KERREY):

S. 311. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia